

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JAN 03 2003

TECH CENTER 1600/2900

Applicants: William C. Olson and Paul J. Maddon

Serial No.: 09/828,615 Group Art Unit: 1648

Filed : April 4, 2001 Examiner: J. Stucker

For : METHODS FOR INHIBITING HIV-1 INFECTION

1185 Avenue of the Americas  
 New York, New York 10036  
 December 26, 2002

Assistant Commissioner for Patents  
 U.S. Patent and Trademark Office, P.O. Box 2327  
 Arlington, VA 22202

Attn: Box Sequence

Sir:

**RESPONSE IN COMPLIANCE WITH THE REQUIREMENTS FOR  
 PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCES  
 AND/OR AMINO ACID SEQUENCES SET FORTH IN JUNE 25 2002  
 OFFICE ACTION AND PETITION FOR THREE-MONTH EXTENSION OF TIME**

This paper is submitted in response to a Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures ("Notice To Comply") provided as an Attachment to an Office Action issued in connection with the above-identified application on June 25, 2002. A copy of the Notice To Comply is enclosed as **Exhibit A**.

The deadline for submitting a response to the Office Action and the Notice to Comply was originally September 25, 2002. Applicants hereby petition for a three month extension of time for filing respectively, (1) an Amendment In Response To June 25, 2002 Office Action, Including Supplemental Information Disclosure Statement, and (2) the present Response In Compliance With Requirements For Patent Applications Containing Nucleotide

Self-1st  
placed before  
the

Applicants: William C. Olson and Paul J. Maddon  
Serial No.: 09/828,615  
Filed: April 4, 2001  
Page 2

Sequences and/or Amino Acid Sequences Set Forth In June 25, 2002 Office Action in response to the Office Action issued with regard to this application. Whereas the present Response is addressed as shown above, Applicants are also submitting, under separate cover, on the same date as this Response, an Amendment In Response To June 25, 2002 Office Action addressed to Assistant Commissioner for Patents, Washington, D.C. 20231. The required small entity fee for a three month extension of time is \$460.00 **and a check including this amount is enclosed with the above identified Amendment.** With the three month extension of time, the deadline for the above-mentioned responses becomes December 25, 2002. However, December 25, 2002 is a Federal holiday. In accordance with 37 C.F.R. §1.7(a), when the day of an action falls on a Federal holiday, the action may be taken on the next business day which in this case is Thursday, December 26, 2002. Therefore, the (1) Amendment In Response To June 25, 2002 Office Action, Including Supplemental Information Disclosure Statement and the (2) Response In Compliance With Requirements For Patent Applications Containing Nucleotide Sequences and/or Amino Acid Sequences Set Forth In June 25, 2002 Office Action is now due December 26, 2002. Accordingly, the two above-identified papers are being timely filed.

#### **REMARKS**

The June 25, 2002 Office Action stated that applicants failed to comply with the requirements of 37 C.F.R. §§1.821 - 1.825. The Notice also stated that applicants must provide an initial computer readable form (CRF) copy of the "Sequence Listing", and an initial paper or compact disk copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Finally, the Notice stated that the applicants must submit a statement that the content of the sequence listing information

Applicants: William C. Olson and Paul J. Maddon  
Serial No.: 09/828,615  
Filed : April 4, 2001  
Page 3

in the computer readable form is identical to the written (on paper or compact disk) sequence listing and, where applicable, includes no new matter, as required by 37 C.F.R. §§1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.821(d).

Submitted herewith, therefore, is a paper copy of the Sequence Listing attached hereto as **Exhibit B** in compliance with the requirements of 37 C.F.R. §1.824. Applicants respectfully request the entry of Exhibit B into file of the present application. In addition applicants submit herewith a computer readable form (CRF) copy of the "Sequence Listing" attached hereto as **Exhibit C** as required by 37 C.F.R. §1.825(d). Further, applicants submit herewith as **Exhibit D** a Statement in Accordance with 37 C.F.R. §1.821(f), certifying that the initial computer readable form containing the nucleic acid and/or amino acid sequences as required by 37 C.F.R. §1.821(e) contains the same information which was submitted as the "Sequence Listing". The attached sequence listing does not contain any new matter.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone either of them at the number provided below.

O I P E  
DEC 30 2002  
PATENTS & TRADEMARKS  
Applicants: William C. Olson and Paul J. Maddon  
Serial No.: 09/828,615  
Filed: April 4, 2001  
Page 4

A fee of \$460.00 for a three month extension is due. A check including this amount is, as noted above, included with the Amendment In Response To June 25, 2002 Office Action filed under separate cover on the same date as this Response. If any additional fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

Mark A. Farley

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Mark A. Farley 12-26-02

John P. White  
Reg. No. 28,678  
Mark A. Farley  
Reg. No. 33,170

John P. White  
Registration No. 28,678  
Mark A. Farley  
Registration No. 33,170  
Attorneys for Applicant(s)  
Cooper & Dunham, LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

O I P E

DEC 30 2002

Application No. 09/828615

NOTICE OF NON-COMPLIANCE WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.

2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).

3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).

4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."

5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).

7.

Other: \_\_\_\_\_

Applicant must provide:

An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"

An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification

A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123

For CRF submission help, call (703) 308-4212

For PatentIn software help, call (703) 557-0400

Please return a copy of this notice with your response.

RECEIVED

JAN 03 2003

TECH CENTER 1600/2900



File Name: 64672  
Date Recorded: December 6, 2002  
Computer: IBM PC Compatible  
Operating System: PC-DOS/MS/DOS  
Software: PatentIn Release 3.1  
Applicants: William C. Olson and  
Paul J. Maddon  
U.S. Serial No.: 09/828,615  
Filing Date: April 6, 2001